



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

February 6, 2006

Clyde N. Thompson, Forest Supervisor
Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241

Re: Draft Environmental Impact Statement Allegheny Wood Product Easement Monongahela National Forest, Tucker County, WV CEQ #20050533

Dear Mr. Thompson:

In accordance with the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act the United States Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above referenced project. Based on our review of the DEIS, EPA has rated the environmental impacts of the two build alternatives as AEC@ (Environmental Concerns) and the adequacy of the impact statement as A2@ (Insufficient Information). A copy of EPA=s ranking system is enclosed for your reference. The basis for this rating is contained in the remainder of this letter and in the attached detailed comments.

Project description:

According to the DEIS, when the historic railroad grade in Blackwater Canyon was abandoned by the railroad, ownership reverted to the adjacent landowners resulting in a linear division of ownership of the grade. Currently, the 6 feet of tread on the uphill side of the grade is under National Forest System management. The downhill side of the grade is owned by Allegheny Wood Products Inc. (AWP).

In July 2001, AWP applied for motorized access on the National Forest System portion of the railroad grade for the purpose of long term timber management on roughly 300 acres of their property that is located between the railroad grade and the Blackwater River. The entire grade is 9.0 miles long and is open to vehicle traffic at both ends. The majority of the grade (5.5 miles) is closed to vehicle traffic by gates. The railroad grade crosses several streams, including Tub Run, Big Run, Flat Rock Run, and Hickory Lick Run. Potentially affected historic resources include the railroad grade and the arches and culverts spanning some of the streams.

The AWP Easement project area runs through the Forest Service Management Prescription area MP 6.3 as described in the Monongahela National Forest Land and Resource Management Plan. MP 6.3 includes management of habitat relating to the Indiana bat and other

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threatened and endangered species, management of semi-primitive and non-motorized types of recreational environment and the management of a mix of forest products.

Project Purpose and Need:

The purpose of this action is to authorize the use of National Forest System lands by AWP in the Blackwater Canyon area for reasonable use and enjoyment of their property. AWP manages the property on the north side of the Blackwater River for timber production. They have requested access to conduct timber management activities, which may include timber stand improvement and light commercial thinning on a 10-15 year basis.

In addition AWP requested access to improve drainage structures along the grade because the current drainage is causing damage to AWP property. Providing this access would allow for the ability to respond quickly to insect and disease infestation and wildfires, and to allow an economically feasible avenue to conduct timber stand improvement work and commercial thinning, and allow for protection against slumps and slides on private property.

Alternatives:

The DEIS analyzed three alternatives in detail, including the No Build (Alternative 1). Under Alternative 2, the forest service would convey a 5.5 mile long 10 foot wide easement, along the existing railroad grade, to AWP with additional width as required for protecting and stabilizing cut slopes. AWP would be required to perform routine maintenance along the grade which would include such activities as cleaning culverts and ditches, fixing any future slumps or slides. The easement would allow the use of motorized vehicles including ATVs, pick-up trucks, and logging equipment such as tandems, tri-axes, and tractor trailers. In addition to the routine maintenance, removal of encroaching vegetation and placement of surface material may be needed.

Alternative 3, the preferred alternative, is a reciprocal easement. In addition to the easement provided to AWP described under Alternative 2, the NFS would obtain an easement across the AWP owned portion of the railroad grade in order to ensure a legal interest in the railroad grade to better manage the recreation and heritage resources. AWP would convey 10 feet of easement to the NFS with additional width as required for protection and stabilization of fill slopes. The Forest Service would be required to perform routine maintenance along the grade related to managing the heritage resources and the railroad grade as a recreation trail. The Forest Service would be allowed motorized access to manage recreational and heritage resources along the trail. Access for timber management would be restricted to address the issue of not disturbing the sense of solitude along the trail.

General Comments:

The DEIS should provide a more detailed description of resources in the project area, for example more detailed information should be included in the wetlands and streams resource descriptions. Additional information should be provided on impacts associated with the build alternatives and mitigation measures.



Please refer to the detailed comments that are attached for further explanation of our concerns. Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215)814-3330.

Sincerely,

/S/

William Arguto,
NEPA Team Leader



EPA Supporting Detailed Comments
Allegheny Wood Product Easement Monongahela National Forest EIS

1. Detailed maps should be provided depicting surface water features, study area boundaries, etc.
2. Page 2-3 indicates alternatives that were eliminated from detailed study. It would seem that the Forest Service could require AWP to conduct the mitigation on private lands, as described in the DEIS since they could be conveying and easement to AWP. The forest service would not be requiring anything that they would not do themselves.
3. Page 2-5 Any alternative that involves revegetation should use native species. No non-native invasive species should be used. This project should comply with Executive Order 13112 regarding non-native invasive species.
4. Table 3-1 on page 3-3 should include the culvert maintenance, rehabilitation, replacement as future actions as they are described in the action alternatives.
5. Page 3-4 describes logging conducted by AWP approximately 4 years ago using a helicopter. It is unclear why this is not considered as an alternative. This should be included in the alternatives discussion since it is feasible or if this alternative was considered but eliminated then please include the discussion in the DEIS.
6. Page 3-4 states that impacts from commercial thinning in other areas has been determined to have no significant impacts on threatened and endangered species. It is unclear if the same species were involved.
7. Page 3-4 makes a reference to impacts from the development of a resort and/or condominiums in the area. This should be described in further detail. Although it is not an activity related to the timber management, when considered with the project cumulative impacts may occur.
8. Page 3-13 states that the reconstruction of the grade would change the current character of the Blackwater Canyon trail from a mostly semi-primitive non- motorized Recreational Opportunity Spectrum to a roaded natural setting. The DEIS continues to say that this is consistent with Forest Plan Management Prescriptions (MP 6.1 and 3.0) for the area. How much of this project involves MP 6.1 and 3.0? Other parts of the document discuss the project in the context of MP 6.3. A map would be helpful showing the management units and the trail.
9. The text of the document is confusing regarding the terms and descriptions used to describe the existing grade and the result of any action. For example, page 3-14 states that ‘The reciprocal easement would allow the Forest Service to manage and maintain the railroad as a trail.’. Page 3-13 describes it as currently a semi-primitive trail but would become a roaded natural setting. Page 3-59 states ‘... upgrading the grade to a road...’ The DEIS should consistently describe the grade as it currently exists and what it will become if an action is taken.



10. Page 3-15 states that acid deposition will not be discussed because of the existing soil conditions...”What about any needed fill material? Where will it come from and could acid deposition be an issue?
11. Page 3-17 states that excavated material and material cleaned from culverts and ditches will be deposited on Forest Service land in areas that are stable and outside of the riparian buffer and won’t be transported to streams. This should apply to disposal anywhere.
12. Page 3-20 states that the closest known TES plant site is 0.6 miles from the grade. It is unclear if it is upgradient or downgradient. Is it possible that it could be impacted by any construction activities resulting from this project?
13. Page 3-21 lists non-native invasive species found along the grade. It states that grasses are not as dominant as expected. The bottom of the page states clearing activities would...” convert the grade from a linear opening dominated by grasses and herbs.....” It is unclear what the species composition is on and along the grade as described.
14. Page 3-22 discusses removal of vegetation and mature trees. Would these activities change the habitat and impact sensitive species? This should be discussed further.
15. Page 3-22 states that there is no habitat within the analysis for Shale Barren Rockcress and Virginia Spirea. Please provide the source of this determination.
16. Page 3-23 mentions a “Likelihood of Occurrences Table”, but it’s not included in the text. Is it available, if so where?
17. Page 3-24 mentions wet areas along the grade. Is it possible that an entire area of a species might be eliminated if drainage patterns are altered?
18. Page 3-24 describes potential impacts to white monkshood. How was this information obtained? Is this species able to adapt to changes such as soil moisture, light exposure, etc. that may result from this project.
19. Page 3-26 describes the rich wood habitat. The cumulative effects are dismissed because of the small impact from the project. What about the potential impacts of this project combined with other activities?
20. Page 3-28 lists non- native invasive species found along the grade. The entire list should be included. Other parts of the document also list some species.
21. Page 3-39 discusses benefits from the cumulative effects for Indiana bat. How were these benefits determined? The project team should coordinate with the appropriate state and federal agencies regarding all listed species.
22. Page 3-58 discusses the Mettiki E coal mine. The location of the mine in relation to the project area should be described.
23. Detailed information should be provided on the individual streams that cross the railroad



grade and the structures at each location. The impacts that may occur should be detailed as well as mitigation for those impacts.

24. Wetlands are not described, but areas of poor drainage are mentioned (i.e. page 3-24) in the DEIS. No sizes are mentioned for these areas which are described as "...small wet areas along the grade" and "are not likely high quality habitat." Is it accurate to assume that there are no wetlands in the project area and no impacts to wetlands? This should be clarified in the document and a section pertaining to wetlands and mitigation should be included if applicable.

